

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR.

CrIA(D) No. 35/2024

CrIM No. 720/2024

**UNION TERRITORY TH. P/S
TRAL.**

... Appellant(s)

Through: Ms Maha Majeed, Assisting counsel, vice
Mr. Mohsin. S. Qadri, Sr. AAG.

Vs.

SHAHID NAZIR BHAT AND ORS.

...Respondent(s)

Through: Mr. Shahrukh Dar, Advocate.

CORAM:

HON'BLE:-

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL JUDGE

ORDER

18.04.2026

(Per, Oswal, J)

1. This appeal is directed against the order dated 30th November, 2023, passed by the Court of Special Judge designated under NIA Act, Pulwama (for short "trial court") whereby the respondents have been released on bail in FIR No. 149/2022 of P/S Tral for the offences punishable under Sections 18,23,38,39 ULA(P) Act, 7/25 Arms Act.
2. It is urged by the appellants that the learned trial court in utter disregard of the provisions contained in Section 43(D) ULA (P) Act has enlarged the respondents on bail, as such, the order is not sustainable in the eyes of law.
3. Ms. Maha Majeed, learned Assisting counsel for the appellant has submitted that the learned trial court has appreciated the evidence while considering the bail application and despite there being bar under section 43(D) ULA (P) Act, has granted the bail.

4. *Per-contra* Mr. Shahrukh Dar, learned counsel for the respondents submits that out of total eight witnesses cited by the prosecution, six witnesses have been examined till date and the said witnesses have not made any incriminating statement against the respondents.
5. Heard and perused the record.
6. Record depicts that the respondents have been charged for the commission of offences punishable under Sections 18,23,38,39 ULA (P) Act, 7/25 Arms Act. The learned trial court had granted bail to the respondents in terms of impugned order when the prosecution had examined only 5 witnesses and 03 were yet to be examined and till date, i.e, for the last more than two years, the prosecution has been able to examine only one witness. The learned trial court while granting bail to the respondents has reproduced the statements made by the witnesses recorded so far by the prosecution and has also returned some findings which are contrary to the statements made by the prosecution witnesses.
7. We do not endorse the mode and casual manner in which the learned trial court has dealt with the issue at hand but taking into consideration that the respondents are on bail for the last more than two years and no fresh complaint has been made against the respondents, as such, we do not deem it proper to show indulgence at this stage. However, if there is any breach of the conditions contained in the impugned bail order by the respondents, the appellant is at liberty to approach the learned trial court for cancellation of bail.
8. Accordingly, we dispose of this appeal by directing the learned trial court to conclude the trial of the case as expeditiously as possible and while appreciating the evidence the trial court shall not get prejudiced/

